

REMARKS

By the foregoing Amendment, Claims 25-31 have been cancelled. Claims 15-24 remain pending. Favorable reconsideration of the application is respectfully requested.

Claims 15-26, 28 and 30-31 were rejected under 35 U.S.C. 102(b) on the grounds of anticipation by Cipkowski, which was cited as disclosing a wick mounted to a cap and extending into the liquid sample space, and the Examiner referred to column 3, line 23 to column 4, line 65. The Examiner contended that Figures 1 and 8 of Cipkowski disclose that a test card is mounted to the lid (38 in Fig. 8). The Examiner cited Webster's II Dictionary as defining "mounted" as "to place or fix on or in a secure place for display, study or use." Claims 15 and 20 recite "a wick mounted to said cap." A test card mounted to a cap is not claimed. It is respectfully submitted that Cipkowski does not teach, disclose or suggest mounting of a wick to a cap, or placing or fixing a wick to a cap.

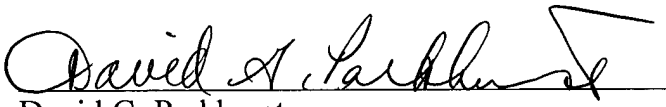
In the present invention, an assay strip is disposed in the cap, and a separate element of a wick is mounted to the cap in fluid communication with the assay strip. In Cipkowski, the test card itself is immersed in a liquid sample, up to the submersion line 32 which is immediately adjacent to the test area 33. As is described in the specification at page 2, line 30, to page 3, line 2, the invention provides for automatic wicking of a liquid sample to an assay region of an assay strip once the liquid sample is introduced into the assaying container, providing a controlled flow of the liquid sample to the assay region of the assay strip. Since the test card of Cipkowski is immersed directly in a liquid

sample with the test area adjacent to the submersion line, the flow of liquid sample to the assay region of the test card of Cipkowski is sensitive to vibration and positioning of the container, whereas the intermediary position of the wick between a liquid sample and the assay strip area in the invention facilitates a controlled flow of the liquid sample to the assay strip area in the invention despite vibration and variations in positioning of the container. It is therefore respectfully submitted that the present invention as claims is novel and inventive over Cipkowski, and that the rejection as it pertains to Claims 15-24 should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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